

Application No. 10/623,588
Response dated February 8, 2007
Reply to Office Action of January 30, 2007

REMARKS

**Reconsideration and Allowance
are Respectfully Requested**

Claims 1-20 are currently pending. No claims have been amended. No claims have been canceled. No claims have been added. No new matter has been added. Reconsideration is respectfully requested.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roth et al. (2004/0217139) in view of Christler (5,996,191). Applicant believes this rejection to be improper as Roth et al. is not prior art. Roth et al. was filed November 5, 2003 which is after the July 22, 2003 filing date of the present application. Although the April 30, 2003 filing date for the parent design patent, D485,757, is prior to Applicant's filing date, this reference can only be relied upon for what is shown in the design figures.

A design patent is based upon aesthetics and Roth contemplated a specific design, so a modification by Christler would destroy the intent of the Roth design. Therefore, if combined as improperly suggested, the design of Roth would be destroyed. Thus, there is no proper motivation to modify the design of Roth. With that being said, Applicant believes there is no possible motivation to combine Roth and Christler other than hindsight.

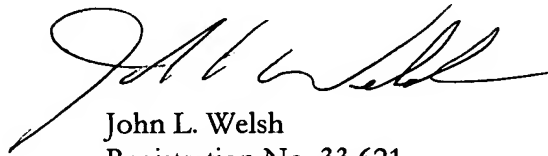
Since the only outstanding prior art rejection is based upon Roth and Christler, which has now been shown to be improper, it is respectfully requested that this rejection be withdrawn.

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It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,



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